Indiana Department of Environmental Management
Office of Air Management
Rule Fact Sheet
September 6, 2000

DEVELOPMENT OF NEW RULES CONCERNING THE INCORPORATION OF NATIONAL EMISSION STANDARDS FOR HAZARDOUS AIR POLLUTANTS FOR HAZARDOUS WASTE COMBUSTORS #00-70(APCB)

Overview

This rulemaking incorporates by reference national emission standards for hazardous air pollutants for hazardous waste combustors under 40 CFR 63, Subpart EEE, 64 FR 52828, September 30, 1999.

Citations Affected

Adds: 326 IAC 20-28-1

Affected Persons

This rule affects five hazardous waste-burning sources: two cement kilns and three incinerators. This rule also affects the community in the vicinity of each regulated combustor.

Potential Cost

The potential cost of this rulemaking is expected to be low, since affected sources are already subject to the federal rule.

Outreach

IDEM mailed the first and second notices requesting comments regarding this rulemaking to affected sources and interested parties.

Description

On September 30, 1999, U.S. EPA published a final rule for hazardous waste combustors under 40 CFR 63, Subpart EEE (64 FR 52828). The national emission standards for hazardous air pollutants (NESHAP) for hazardous waste combustors applies to hazardous waste incinerators, hazardous waste-burning cement kilns, and hazardous waste-burning lightweight aggregate kilns. IDEM is initiating this rulemaking to incorporate Subpart EEE into state rules.

The federal rule was promulgated under the joint authority of the Clean Air Act and the Resource Conservation and Recovery Act (RCRA). This federal rule provides for coordinated Clean Air Act and RCRA permitting of hazardous waste-burning facilities and integrates regulatory compliance requirements of the Clean Air Act and RCRA into one permit, the Title V permit, by including emission limits, monitoring, compliance testing, and record keeping requirements. However, any additional emission limits that are needed because of a RCRA site-specific risk assessment will stay in the RCRA permit. Any requirements addressing general materials handling would also remain in the RCRA permit.

The hazardous waste combustor NESHAP applies to all sources, including area sources. Area sources are sources that have the potential to emit less than ten (10) tons per year of any hazardous air pollutant or less than twenty-five (25) tons of any combination of hazardous air pollutants. Additionally, any source, including an area source, subject to a standard or requirement under Section 112 of the Clean Air Act is required to have a Part 70 permit. U.S. EPA has chosen not to provide the option to the states to exclude hazardous waste

combustor area sources from Title V permitting requirements or to defer permitting of these sources.

The revised standards will limit emissions of dioxins and furans, mercury, semi-volatile metals (cadmium and lead), low-volatile metals (arsenic, beryllium, chromium, and antimony), particulate matter, acid gas emissions (hydrochloric acid and chlorine), hydrocarbons, and carbon monoxide. These revised standards may require affected sources to install air pollution control devices, such as a fabric filter or wet scrubber, or to control the feedrate. The NESHAP will provide greater environmental benefits than the current RCRA regulations because the NESHAP has more requirements for monitoring to assure continuous compliance. The operating range of the monitored parameters will be narrower than currently allowed.

There are five (5) sources affected by this NESHAP in Indiana: two (2) hazardous waste-burning cement kilns and three (3) hazardous waste-burning incinerators. The sources with hazardous waste-burning cement kilns are Lone Star Industries (Greencastle, Indiana), and Essroc (Logansport, Indiana). The sources with hazardous waste-burning incinerators are Eli Lilly and Company Tippecanoe Laboratories (Lafayette, Indiana), Eli Lilly and Company, Clinton Laboratories (Clinton, Indiana), and Amoco Whiting (Whiting, Indiana). The portland cement NESHAP, Subpart LLL, applies to other operations at the cement kiln sources, such as clinker coolers, mills, and raw material dryers, and to the kiln when not burning hazardous waste.

One rulemaking option U. S. EPA discussed in their background documents is to also incorporate the hazardous waste combustor NESHAP standards into the state RCRA program rules. This option does not eliminate duplicative permit requirements since the Clean Air Act does not provide authority to defer Title V permitting to other programs. Additionally, IDEM is not authorized by U.S. EPA to implement the RCRA program for all hazardous waste incinerators, such as hazardous waste burning cement kilns; therefore, there would be no benefit to modifying state RCRA rules.

Consideration of Factors Outlined in Indiana Code 13-14-8-4

Indiana Code 13-14-8-4 requires that in adopting rules and establishing standards, the board shall take into account the following:

1) All existing physical conditions and the character of the area affected.

2) Past, present, and probable future uses of the area, including the character of the uses of surrounding areas.

3) Zoning classifications.

4) The nature of the existing air quality or existing water quality, as appropriate.

5) Technical feasibility, including the quality conditions that could be reasonably be achieved through coordinated control of all factors affecting the quality.

6) Economic reasonableness of measuring or reducing any particular type of pollution.

7) The right of all persons to an environment sufficiently uncontaminated as not to be injurious to:

(A) human, plant animal, or aquatic life; or
(B) the reasonable enjoyment of life and property.

Consistency with Federal Requirements

The new rules are consistent with federal rules.

IDEM Contact

Additional information regarding this rulemaking action can be obtained by calling (800) 451-6027 (in Indiana), press 0 and ask for Chrystal Amr, Rule Development Section, Office of Air Management, (or extension 4-1203) or dial (317) 234-1203.